Law Commission Report Headed by Justice Jeevan Reddy

1330. SARDAR GURCHARAN SINGH TOHRA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Law Commission headed by Justice Jeevan Reddy has submitted its report to Government;

(b) if so, what are the main recommendations of the report;

(c) whether Government have since studied the report;

(d) whether Government propose to call a meeting of all political parties to discuss the recommendations; and

(e) if so, the details thereof;

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a)Yes, Sir.

(b) A Statement containing the main recommendations of the report is enclosed. (*See* below)

(c) to (e) Government has not yet finally formed its conclusions on these recommendations. The Commission has, however, made comprehensive recommendations on wide-ranging issues concerning electoral laws which will no doubt need extensive consultations/ deliberations with political parties and experts on the subject. No time frame can be predicted, however, in this regard.

Statement

(i) Introduction of List System of Election in addition to the existing one by making provision for additional 25 per cent seats in Lok Sabha and State Assemblies.

(ii) Comprehensive amendment of Anti-Defection Law which include doing away with the concept of split and merger and defection to be treated as a criterion for disqualification from membership.

(iii) Deletion of provision relating to nomination of members belonging to Anglo-Indian community.

(iv) Regulating by law the formulation, functioning and organisation of political parties.

(v) Embargo on delimitation of constituencies to be extended upto the year 2025.

(vi) Debarring of independent candidates from contesting elections.

(vii) Inclusion of expenditure incurred by the political party and friends etc. in the election expenditure of the candidate.

(viii) Maintenance of accounts by political parties and penalty in default thereof.

(ix) Partial State funding of elections on the pattern of recommendations made by the Indrajit Gupta Committee with a few modifications.

(x) Creation of additional disqualification on framing of charges at a trial for certain criminal offences.

(xi) Restriction on contesting elections from more than one constituency.

(xii) Suggestions regarding expeditious disposal of election petitions which include prescribing time limits to be maintained by the courts at various stages in the disposal of these petitions.

(xiii) Empowering the Election Commission to make certain recommendations to the appropriate authority for referring any matter for investigation to an agency specified by it for prosecution of any person for an electoral offence and for appointment of any special court for the trial thereof.

(xiv) Declaration at the time of filing nomination paper by the candidate in respect of assets owned by him, his spouse, relatives etc. and charges, if any, framed against him on affidavit.

(xv) Stability in governance—(A) no seat for a party having obtained less than five per cent of total valid votes even if it wins any seat at an election—a new definition of political party in the Tenth Schedule which includes a pre-election front/ coalition—restriction on no-confidence motion, in particular requiring the motion to be accompanied by another motion expressing confidence in a named individual as also no fresh no-confidence motion to be permitted within a period of two years.

(B) Passing references to one election in five years and fixed term for legislative bodies but no final recommendations made.